

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**RACHAEL ANNE ELROD, ANDREW
KAUFMAN, and SARAH MARTIN, on
behalf of themselves and all others
similarly situated,**

Plaintiffs,

v.

**NO TAX 4 NASH, MICHELLE
FOREMAN, and KAREN MOORE,**

Defendants.

**BROOKS BRASFIELD, on behalf of
himself and all others similarly situated,**

Plaintiff,

v.

**NO TAX 4 NASH, MICHELLE
FOREMAN, and KAREN MOORE,**

Defendants.

**MICHELLE FOREMAN and KAREN
MOORE,**

Third-Party Plaintiffs,

v.

**BEST SELLERS, LLC, HEATHER
SELLERS, JOE GERLEY, and
HYPERMETRICS, LLC,**

Third-Party Defendants.

Case No. 3:20-cv-00617

**District Judge Eli J. Richardson
Magistrate Judge Barbara D. Holmes**

CLASS ACTION

JURY DEMAND

Consolidated with
Case No.: 3:20-cv-00618

**PLAINTIFFS' UNOPPOSED MOTION
FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

Plaintiffs Rachael Ann Elrod, Andrew Kaufman, Sarah Martin, and Brooks Brasfield, individually and on behalf of the previously certified Class (“Plaintiffs”), hereby move this Court, pursuant to Rule 23(e), to:

1. Preliminarily approve the proposed Settlement described in the “Settlement Agreement” between Plaintiffs and defendants Michelle Foreman and Karen Moore (“Defendants”), and third-party defendants Best Sellers, LLC, Heather Sellers, Joe Gergley, and Hypermetrics, LLC (“Third-Party Defendants,” and collectively with Defendants, “Respondents”);

2. Conditionally certify the Class for purposes of settlement;

3. Appoint Plaintiffs Rachael Ann Elrod, Andrew Kaufman, Sarah Martin, and Brooks Brasfield as Representative Plaintiffs for purposes of settlement;

4. Appoint the law firms of Branstetter, Stranch & Jennings, PLLC, and Spragens Law PLC as Class Counsel for purposes of settlement;

5. Approve CAC Services Group, LLC (“CAC Services Group”) to serve as the Notice Administrator, and direct Notice to be disseminated to the Settlement Class by CAC Services Group in the manner described in the Settlement;

6. Establish the manner in which Class Members must provide written notice to request exclusion from the Settlement or object to the Settlement;

7. Establish a deadline for Class Members to request exclusion from the Settlement Class or file objections to the Settlement; and

8. Set a proposed schedule for completion of further settlement proceedings, including scheduling the final fairness hearing under Fed. R. Civ. P. 23(e)(2);

The relief sought above is set forth more fully herein in Plaintiffs’ Memorandum in Support

of Preliminary Approval of Class Action Settlement and the Proposed Preliminary Approval Order attached thereto.

Dated: May 10, 2022

Respectfully submitted,

By: /s/ Joe P. Leniski Jr.

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CERTIFICATE OF SERVICE

I hereby certify that on May 10, 2022, I electronically filed the foregoing Motion for Preliminary Approval with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all parties registered on the CM/ECF system.

/s/ Joe P. Leniski, Jr.
Joe P. Leniski, Jr.

Class Counsel